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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 PERRY M. ROTHERMEL, )  
09 Petitioner, ) CASE NO. C11-1161-JLR-MAT  
10 v. )  
11 JEFFREY UTTECHT, ) ORDER DENYING REQUEST FOR  
12 Respondent. ) APPOINTMENT OF COUNSEL  
13 \_\_\_\_\_ )

14 Petitioner Perry M. Rothermel proceeds *pro se* and *in forma pauperis* (IFP) in this  
15 habeas case. He seeks appointment of counsel to represent him. (Dkt. 14) As petitioner's  
16 petition was only recently served, there is no response from respondent. Now, having  
17 reviewed petitioner's request, as well as the remainder of the record, the Court does hereby find  
18 and ORDER:

19 (1) Petitioner's motion for appointment of counsel is DENIED. There is no right  
20 to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary  
21 hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v.*  
22 *Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section

01 2254 Cases in the United States District Courts. The Court may exercise its discretion to  
02 appoint counsel for a financially eligible individual where the “interests of justice so require.”  
03 18 U.S.C. § 3006A. Here, petitioner fails to demonstrate that the interests of justice are best  
04 served by appointment of counsel at the present.

05 (2) The Clerk is directed to send a copy of this Order to the parties and to the  
06 Honorable James L. Robart.

07 DATED this 26th day of September, 2011.

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10 Mary Alice Theiler  
11 United States Magistrate Judge  
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